

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN FLORES GONZALEZ,

Defendant.

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No. 3:24-CR-45-TAV-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Kevin Flores Gonzalez's Motion to Reset Trial Date and Extend Plea Deadline As Well As All Other Deadlines Including Motion Deadlines ("Motion to Continue") [Doc. 18], filed on June 26, 2024.

Defendant asks the Court to continue the motions and plea deadlines as well as the trial date. In support of his motion, Defendant asserts that while defense counsel represented him on these charges at the state court level, the federal charges involve a number of alleged sales and transactions that were above and beyond that which his counsel dealt with at the state court level. Further, he asserts that defense counsel requires additional time to review discovery, determine if any pretrial motions are appropriate, and explore resolving this case short of trial. Defendant's motion reflects that counsel for the Government does not oppose the requested continuance and that Defendant understands his right to a speedy trial and agrees to the continuance.

Based upon the information in Defendant's motion and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance

outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs more time to review, discuss, and evaluate discovery with Defendant, determine if any pretrial motions are appropriate, engage in plea negotiations, and otherwise prepare for trial if those negotiations are not fruitful. The Court finds that all of this cannot occur before the July 30, 2024 trial date.

The Court therefore **GRANTS** Defendant Kevin Flores Gonzalez’s Motion to Continue [Doc. 18]. The trial of this case is reset to **October 29, 2024**. A new, comprehensive trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on June 26, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

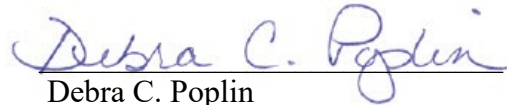
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Kevin Flores Gonzalez’s Motion to Continue [Doc. 18] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **October 29, 2024, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **June 26, 2024**, and the new trial date of **October 29, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing pretrial motions is extended to **July 18, 2024**, and responses to motions are due on or before **August 1, 2024**;

- (5) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **September 27, 2024**;
- (6) the deadline for filing motions *in limine* is **October 11, 2024**;
- (7) the parties are to appear before the undersigned for a final pretrial conference on **October 15, 2024, at 10:00 a.m.**; and
- (8) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **October 18, 2024**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge